

Minutes for Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, June 4, 2015

Chairman Dean Naylor called the meeting to order at 7:05pm.

Roll Call: Present: Dinna Finnegan, Lucien Benoit, Scott Lentz, Dean Naylor, David Punchak, Cynthia Roberts. Also in attendance were Town Planner Robert Ericson and Assistant Planner Bobbi Moneghan. Mr. Ericson said that Gary Palardy and Attorney Iglioizzi will be late.

Disclosure: This is where anyone can disclose potential conflicts on matters before the Planning Board (NSPB). No disclosures.

Minutes: May 16, 2015 minutes were on agenda to review. It should be the May 21, 2015 minutes. Due to a conflict of dates on the agenda, approval of the minutes will be postponed until our next meeting on June 18, 2015.

Land Development & Subdivision Regulations: Mr. Ericson stated that Attorney Iglioizzi suggested that the applicant should be responsible for the abutters list. Item (B) has been amended to include that it is the applicant's responsibility to notify the abutters. The applicant will use the assessor's information at the Annex workstation to verify proper addresses. Mr. Punchak asked what the

30 days was prior to, Mr. Ericson replied that it is 30 days prior to the submission date. This text will be in the subdivision regulations. Mr. Lentz was concerned about notifying abutters only 10 days prior to date of hearing. Mr. Ericson stated this comes from Rhode Island law.

Violations and Penalties Section: The Administrative Officer cannot issue a violation, but can cite for non-compliance. This can be done without notice to the Town Council. Only the Zoning Official can issue violations. The section on the Town of North Smithfield initiating suits was previously left out, but it is in state law, so this will be added as item C under Article 8 – 1.

Land Development and Subdivision Regulations (LD&SR) will be printed in complete so Planning Board members can review all changes that have been made over the past two years.

Corrections to the abutters' list wording were suggested by Board Members.

Comprehensive Plan Workshop: Bobbi Moneghan reviewed the Circulation and Transportation section. The Circulation section was previously very long and contained too much information. Ms. Moneghan stated that she was speaking with a planner from State Wide Planning who suggested she look at the Richmond and Block Island Comp Plan. These are good examples of what the state is

looking for in Comp Plans.. Ms. Moneghan reviewed the current plan and made adjustments that were sent to the board for review. The Comprehensive Plan section on circulation was reviewed by the NSPB page by page, Ms. Moneghan will make corrections or research suggestions made by the NSPB. This will be reviewed again as revised at a later date.

Gary Palardy joined the meeting at 7:49 pm.

Attorney Iglioizzi joined the meeting at 8:03 pm.

Grow Smart RI Training: Attorney Iglioizzi reviewed the quasi-judicial discussion from the previous meeting. Attorney Iglioizzi stated PB decision gets appealed to the Zoning Board of Review (ZBR), and the ZBR record goes to Superior Court. Issues include the following:

- * The NSPB does not swear in testimony in meetings, whereas the Zoning Board does.
- * The legal stenographer's transcript is the ZBR record, whereas the NSPB approves minutes of a meeting.

Attorney Iglioizzi said the NSPB has the right to be more quasi-judicial, but there is no state requirement to do so. Chairman Naylor stated he understood the problem was swearing in experts, resulting in greater weight being given to the experts versus public

testimony. The written minutes can be turned into a written decision, but Attorney Iglioizzi doesn't think we need this extra step. Attorney Iglioizzi stated we can't just recite statute, we need to include specific factual statements. The vote does not become final until we have approved the minutes.

Planning Board rules of Procedure: Mr. Ericson distributed examples of a decision of approval and the Planning Board's rules of procedure. A discussion ensued around the Planner writing the draft decision to be included in the Board's packets. Draft decision will be voted on when minutes are approved. The decision will not be recorded until the decision is approved by the Planning Board.

Ms. Roberts would like to have an orientation checklist for new members. Mr. Ericson asked the board members to send him an email with a list of what they wish they knew as a new member.

Dr. Benoit made a motion to extend the Planning Board meeting by 5 minutes, seconded by Gary Palardy with all in favor.

Adjournment: Dr. Benoit made a motion to adjourn at 10:05 pm, seconded by Gary Palardy with all in favor (5-0).

Submitted by Kris Fanning and Bobbi Moneghan on June 10, 2015

Approved by the Planning Board on June 18, 2015